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8

9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION  
11

12 JOEL MOLINA,

13 Plaintiff,

14 vs.

15 COLLECTO, INC., dba, EOS  
16 CCA,

17 Defendant.  
18

CASE NO.

NOTICE OF REMOVAL

19 **DEFENDANT’S NOTICE OF REMOVAL**

20 Defendant COLLECTO, INC., dba EOS CCA (“Defendant”) hereby files  
21 this notice of removal under 28 U.S.C. §1446(a).  
22

23 **INTRODUCTION**

24 1. Defendant is COLLECTO, INC., dba EOS CCA. Plaintiff is JOEL  
25 MOLINA (“Plaintiff”).

26 2. Upon information and belief, Plaintiff initially filed this case on  
27 September 25, 2015, in the Superior Court of California, County of San  
28

1 Bernardino, Limited Jurisdiction, Case No. CIVD51513968. A true and correct  
2 copy of Plaintiff's Complaint is attached hereto as Exhibit "A."

3 3. On November 12, 2015, Defendant was served with the copy of  
4 Plaintiff's Complaint.

5 4. As Defendant received Plaintiff's Complaint on November 12, 2015,  
6 Defendant files this notice of removal within the 30-day time period required by  
7 28 U.S.C. §1446(b), and as extended via FRCP 6. See *Wells v. Gateways Hosp.*  
8 *& Mental Health Ctr.*, 1996 U.S. App. LEXIS 2287 at \*2 (9<sup>th</sup> Cir. Cal. Jan. 30,  
9 1966.)

### 10 **A. BASIS FOR REMOVAL**

11 5. Removal is proper because Plaintiff's Complaint involves a federal  
12 question. 28 U.S.C. §§1331, 1441(b); *Long v. Bando Mfg. of Am., Inc.*, 201 F.3d  
13 754, 757-58 (6th Cir. 2000); *Peters v. Union Pac. R.R.*, 80 F.3d 257, 260 (8th  
14 Cir. 1996.) Specifically, Plaintiff has alleged claims that arise under 15 U.S.C. §  
15 1692, *et seq.* for alleged violations of the Fair Debt Collection Practices Act. It  
16 is therefore an action of which this Court has original jurisdiction under 28  
17 U.S.C. § 1331, and may be removed to this Court by Defendant pursuant to the  
18 provisions of 28 U.S.C. § 1441(a). This Court also has supplemental jurisdiction  
19 over Plaintiff's state claims pursuant to 28 U.S.C. § 1367.

20 6. Venue is proper in this district under 28 U.S.C. §1441(a) because this  
21 district and division embrace the place where the removed action has been  
22 pending.

23 7. Defendant will promptly file a copy of this notice of removal with the  
24 clerk of the state court where the action has been pending.

### 25 **B. JURY DEMAND**

26 8. Plaintiff demands a jury in the state court action. Defendant also  
27 demands a jury trial.

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{00041718;1}

**C. CONCLUSION**

9. Defendant respectfully requests removal of this action as it involves a Federal question under the Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.*

DATED: December 11, 2015

CARLSON & MESSER LLP

By: /s/ Tamar Gabriel  
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COLLECTO, INC. dba EOS CCA